

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :  
: :  
Pulse Nightclub, LLC :  
t/a Pulse Nightclub :  
2142 Queens Chapel Road NE :  
License #094074 :  
Retailer CN New Application :  
Case #14-PRO-00021 :  
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MONDAY, MARCH 24, 2014

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C. Ms. LaVerne Fletcher, Agent, presiding.

P-R-O-C-E-E-D-I-N-G-S

11:04 a.m.

MS. FLETCHER: Would the parties in the matter of Pulse Nightclub please come forward, the parties in the matter of Pulse Nightclub? This is Case Number 14-PRO-00021, Pulse Nightclub, LLC, trading as Pulse Nightclub, 2142 Queens Chapel Road NE. This is License Number ABRA-094074. This is a Retailer CN new application.

The protest issues are adverse impact on peace, order, and quiet, and residential parking.

My name is LaVerne Fletcher, and I'm conducting the Roll Call Hearing as the Board's Agent pursuant to D.C. Official Code 1601.2. Introductions beginning with the Applicant?

SPEAKER: Yes, my name is -

MS. FLETCHER: The Applicant.

SPEAKER: Sorry.

MR. MPRAS: Emanuel Mpras

1       representing Pulse Nightclub, LLC.

2                   MR. TRUONG:   Aldo Truong, managing  
3       member, Pulse Nightclub, LLC.

4                   MS. FLETCHER:   Mr. Mpras, would  
5       you spell your name for the court reporter,  
6       please?   He has it already?

7                   MR. MPRAS:   He has it, yes.

8                   MS. FLETCHER:   Then I have it.   I  
9       already have it, of course.   And your name  
10      again, sir?

11                  MR. TRUONG:   Aldo Truong.

12                  MS. FLETCHER:   Could you spell  
13      that for me, please?

14                  MR. TRUONG:   First name A-L-D-O  
15      last name T-R-U-O-N-G.

16                  MS. FLETCHER:   Thank you.   Present  
17      on behalf of ANC 5C?

18                  MS. ODUNSI:   Yes, my name is  
19      Yolanda Odunsi, and I'm here representing ANC  
20      Chair Karla Butler.

21                  MS. FLETCHER:   Thank you.

22                  MR. MPRAS:   Excuse me, Karla

1 Butler is not the ANC Chair, and there needs  
2 to be a member of the ANC that's here to  
3 represent.

4 MS. ODUNSI: She's the  
5 Commissioner.

6 MS. FLETCHER: Yolanda, would you  
7 spell your last name again?

8 MS. ODUNSI: O-D-U-N-S-I.

9 MS. FLETCHER: O-D-U-

10 MS. ODUNSI: N-S-I.

11 MS. FLETCHER: S as in Sam?

12 MS. ODUNSI: Yes, S as in Sam.

13 MS. FLETCHER: Okay, thank you.

14 Just a second. One second, Mr. Mpras. The  
15 banging, the banging, the banging, yeah, with  
16 the microphone.

17 MS. ODUNSI: I'm sorry.

18 MS. FLETCHER: Yeah, that's okay.

19 (Laughter)

20 MS. FLETCHER: So, Mr. Mpras, what  
21 were you saying a moment ago about the ANC?

22 MR. MPRAS: No, ma'am, if Ms.

1 Butler is not present, there must be a member  
2 of the - a designated member of the ANC  
3 representing the ANC.

4 MS. FLETCHER: The - for us, it  
5 doesn't matter who the designated  
6 representative is. I was given a note just a  
7 moment ago telling me that Yolanda Odunsi  
8 would be representing the ANC.

9 I have a - the written designation  
10 is coming later, but Ms. Odunsi, for the  
11 record, are you a member of the ANC?

12 MS. ODUNSI: That ANC?

13 MS. FLETCHER: Are you a member of  
14 the Commission?

15 MS. ODUNSI: No, I'm not.

16 MS. FLETCHER: Okay, you're a  
17 member of the community?

18 MS. ODUNSI: I'm a resident. I'm  
19 a resident, yes.

20 MS. FLETCHER: Okay, you're a  
21 resident. And that's the point you're making  
22 Mr. Mpras?

1                   MR. MPRAS: Well, that and there's  
2 no official representation in the letter. At  
3 this time, they cannot be given standing.

4                   MS. FLETCHER: I have a letter.  
5 Did you get a copy of the resolution? Mr.  
6 Mpras, I don't know if you received a copy.

7                   MR. MPRAS: I did not.

8                   MS. FLETCHER: Okay, there is -  
9 I'll just tell you what it says. There is a  
10 resolution that we received from ANC 5C  
11 indicating that ANC 5C is filing a protest.

12                   The first paragraph says,  
13 "Resolved that Advisory Neighborhood  
14 Commission 5C has the authority to exercise  
15 great weight on the decision of government  
16 agencies specifically with regards to zoning,  
17 and alcohol, and beverage laws and  
18 regulations.

19                   And therefore, we shall inform of  
20 the opposition regarding the current  
21 application for a liquor license by Pulse,  
22 which is located within ANC 5C." And then it

1 goes on to state the protest issues, which are  
2 based on peace, order, and quiet, and  
3 residential parking. So, Mr. Mpras, you never  
4 received this resolution?

5 MR. MPRAS: Ma'am, what I'm  
6 talking about is we must officially designate  
7 in writing someone to be a representative.  
8 That was - they designated Karla Butler, who  
9 is not here. So, if there's nobody here as a  
10 designated representative, they cannot be  
11 given standing.

12 MS. FLETCHER: I'm going to grant  
13 standing to ANC 5C because I was given a note  
14 by the staff that Ms. Butler called and  
15 informed the staff to let me know that you're  
16 coming on their behalf. And so, Mr. Mpras, I  
17 know you may object to that, but that's what  
18 I'm going to do.

19 MR. MPRAS: I do object because  
20 the law specifically states it must be in  
21 writing, and it's not appropriate.

22 MS. FLETCHER: I'm going to accept

1     it because I know it's coming. So, I'm going  
2     to accept it, and Mr. Mpras may challenge  
3     that. And if the Board - the Board will  
4     decide whether or not to grant standing to ANC  
5     5C. For the purpose of Roll Call, I'm  
6     granting standing to ANC 5C.

7             What Mr. Mpras is saying is  
8     correct. Letters of designation should be in  
9     writing, but I have a note here from our staff  
10    person telling me that Ms. Butler is  
11    designating you as the ANC's representative  
12    because she was not able to get here.

13            MS. ODUNSI: Thank you.

14            MS. FLETCHER: So, I'll accept  
15    that. According to the note that I have,  
16    she'll be emailing us a letter to that effect  
17    by the end of the day. And Mr. Mpras, I'll  
18    make sure you get a chance to read that.

19            MR. MPRAS: Okay. Respectfully, I  
20    do file my objection for the record.

21            MS. FLETCHER: Okay, thank you.  
22    And there is a group of 50 individuals. Are



1 any members from that group present?

2 MR. DAVIS: Yes, Ms. Fletcher.

3 MS. FLETCHER: And your name, sir?

4 MR. DAVIS: My name is Carlos  
5 Davis, C-A-R-L-O-S D-A-V-I-S. I'm President  
6 of Woodridge South Community Association.

7 MS. FLETCHER: Thank you. Anybody  
8 else with this group? If so, just stand up  
9 and stand behind the table. State your name  
10 and spell it for the record.

11 MS. PENN: Frances Penn, F-R-A-N-  
12 C-E-S last name Penn P-E-N-N.

13 MS. FLETCHER: Thank you.

14 MS. FRASER: Hi, Evelyn Fraser, E-  
15 V-E-L-Y-N F-R-A-S-E-R.

16 MS. FLETCHER: Thank you.

17 MS. SATCHELL: Leslie Satchell L-  
18 E-S-L-I-E last name is S-A-T-C-H-E-L-L.

19 MS. FLETCHER: Thank you.

20 MS. AUSTIN-CARLSON: Janay J-A-N-  
21 A-Y Austin A-U-S-T-I-N hyphen Carlson C-A-R-L-  
22 S-O-N.

1 MS. FLETCHER: Janay, that's A-U-

2 MS. FLETCHER: like Frank?

3 MS. AUSTIN-CARLSON: A-U-S-T like

4 Austin, Texas.

5 MS. FLETCHER: Oh.

6 MS. AUSTIN-CARLSON: A-U-S-T-I-N.

7 MS. FLETCHER: I'm sorry. A-U-  
8 wait a minute. Just a second. Excuse me, A-  
9 U-S-T-I-N?

10 MS. AUSTIN-CARLSON: Mm-hmm,  
11 hyphen C-A-R-L-S-O-N.

12 MS. FLETCHER: T-A-R-

13 MS. AUSTIN-CARLSON: C as in cat.

14 MS. FLETCHER: Oh, just a second.  
15 C-A-R-

16 MS. AUSTIN-CARLSON: Mm-hmm, L-S-  
17 O-N.

18 MS. FLETCHER: Oh, Carlson.

19 (Laughter)

20 MS. FLETCHER: Thank you.

21 MS. FAULKNER: Good morning.

22 First name Camilla C-A-M-I-L-L-A, last name

1 Faulkner, that's F-A-U-L-K-N-E-R.

2 MS. FLETCHER: Thank you.

3 MR. GUINN: Good morning, how are  
4 you? First name is Mal, M-A-L middle initial  
5 M Guinn G-U-I-N-N last name.

6 MS. FLETCHER: Thank you, Mr.  
7 Guinn.

8 MS. FORD: Good morning.

9 MS. FLETCHER: Good morning.

10 MS. FORD: My name is Katherine  
11 with a K-A-T-H-E-R-I-N-E Ford like the car.

12 MS. FLETCHER: Ms. Ford, spell  
13 your first name again for me.

14 MS. FORD: K-A-T-H-E-R-

15 MS. FLETCHER: Oh, Katherine.

16 MS. FORD: Yes, I-N-E.

17 (Laughter)

18 MS. FLETCHER: Thank you. Is that  
19 everyone from the group present today? Okay,  
20 thank you. You can be seated now. We're done  
21 with the - Okay, so here's the question, the -  
22 Karla Butler was also going to be the

1 designated representative for the group of 50.

2 Ms. Butler is not present today,  
3 so are you all also designating Ms. Odunsi to  
4 represent you today, or is there someone else  
5 in your group today that you would like to  
6 designate as your representative?

7 GROUP: That's fine.

8 MS. FLETCHER: So, you're going to  
9 ask Ms. Odunsi to be your representative for  
10 today?

11 SPEAKER: Yes.

12 MS. FLETCHER: Does that mean that  
13 Ms. Butler will resume -

14 SPEAKER: Yes.

15 MS. FLETCHER: - representation at  
16 a later date?

17 SPEAKERS: Yes.

18 MS. FLETCHER: You were going to  
19 say something, Mr. Mpras?

20 MR. MPRAS: No, ma'am.

21 MS. FLETCHER: So, for the purpose  
22 of the Roll Call, Ms. Odunsi is only going to

1 be designated as the representative of the  
2 individuals in this room.

3 MR. MPRAS: Ms. Fletcher, since  
4 you bring it up, again, you know, according to  
5 DCMR, it must be in writing, and I believe  
6 that the protestants' representative was  
7 designated in the protest form signed by, you  
8 said, approximately 50 people?

9 MS. FLETCHER: That's right.

10 MR. MPRAS: And there are eight  
11 people present here?

12 MS. FLETCHER: That's right.

13 MR. MPRAS: So, it would be  
14 inappropriate for eight people to speak for 50  
15 who have designated their representative in  
16 writing and presented it to you.

17 MS. FLETCHER: Thank you. So, and  
18 that is also a valid point. For the purpose  
19 of the Roll Call, I'm going to allow you to  
20 represent the stand-in for Karla Butler.  
21 Again, all this must be in writing.

22 We have some discretion because a

1 staff person came in earlier and informed me  
2 that Ms. Butler couldn't be here and wanted to  
3 designate you. I'm accepting that. Had that  
4 not been done, the protest would be dismissed,  
5 the ANC 5C protest and the protest filed by  
6 the group of 50.

7 And what Mr. Mpras is saying is  
8 that he doesn't believe that standing should  
9 be granted to the ANC or the group of 50 for  
10 the reason that he just stated.

11 So, he may make that case to the  
12 Board, and the Board will decide whether or  
13 not to grant you standing, or they'll decide  
14 whether or not standing should not have been  
15 granted today.

16 MR. MPRAS: And Ms. Fletcher, one  
17 question, in the message you did receive, did  
18 it specify both or just specify the ANC?

19 MS. FLETCHER: It - well, Karla  
20 Butler - Karla Butler filed the protest.  
21 Karla Butler is the person that filed the  
22 protest on behalf of ANC 5C.

1                   MR. MPRAS: And as far as the  
2 protestants' representative, did it specify  
3 that Ms. Odunsi would be representing both?

4                   MS. FLETCHER: No, for the group  
5 of - oh, you mean the note that I got from the  
6 staff? No. The group that I got - the note  
7 that I got from the staff says that Yolanda  
8 Odunsi is representing ANC, is representing  
9 the ANC, not that she's representing the group  
10 of 50.

11                  MR. MPRAS: Then I would also  
12 object on those grounds.

13                  MS. FLETCHER: Okay. And so, Mr.  
14 Mpras is going to petition the ABC Board to  
15 dismiss the protest filed by ANC 5C and the  
16 group of 50. The note that I received from  
17 the staff person did not say that Ms. Odunsi  
18 is representing the group of 50, only that  
19 she's representing the ANC, so.

20                  MR. DAVIS: For clarification, the  
21 group of 50, that was also put in by -

22                  MS. FLETCHER: And who is

1 speaking?

2 MR. DAVIS: I'm sorry -

3 MS. FLETCHER: Mr. Davis?

4 MR. DAVIS: Yes, Carlos Davis.

5 The group of 50 notification, was that also  
6 presented initially by Karla Butler?

7 MS. FLETCHER: Say that again.

8 MR. DAVIS: I was asking whether  
9 that designation by the group of 50, or the  
10 designation of the group of 50 was also put  
11 forward by Karla Butler?

12 MS. FLETCHER: No, the - for the  
13 group of 50, I have a separate protest letter  
14 from a group of 50. And in that protest  
15 petition, it states that, "We residents of  
16 Woodridge Community in the single-member  
17 district," you all, "agree to allow  
18 Commissioner Karla Butler to represent you in  
19 future hearings, including roll call,  
20 mediation, status hearing, and protest  
21 hearings." So, your group of 50 designated  
22 Karla Butler -



1 MR. DAVIS: Right.

2 MS. FLETCHER: - to represent it.

3 MR. DAVIS: Okay, that's what I  
4 thought. I just wanted clarification for  
5 that, and that is probably the reason Karla  
6 just sent the one note. We will address that.

7 MS. FLETCHER: Yeah, that - and  
8 that is the reason I'm granting standing to  
9 the ANC and the group of 50, for that reason.  
10 Mr. Mpras is correct that all of that is  
11 supposed to be in writing. I don't have  
12 anything in writing.

13 I just have a note that I received  
14 from the staff person, and the note does  
15 indicate that Ms. Odunsi is representing the  
16 ANC, not the group of 50. But, because she  
17 was representing the group of 50 had she been  
18 here, is the reason that I'm granting standing  
19 for the group of 50.

20 MS. ODUNSI: Thank you.

21 MR. DAVIS: Thank you.

22 MS. FLETCHER: And we'll see what

1 happens. Ms. Odunsi, do you have your contact  
2 information on that sheet on the table? We'll  
3 need your daytime phone - Okay, you can just  
4 write it on the back. Yeah, if you'll just  
5 put your daytime phone number and your email  
6 address. And Mr. Mpras, we'll get you that  
7 letter from Ms. Butler.

8 MR. MPRAS: Thank you.

9 MS. FLETCHER: And so, just for  
10 the record, I'm not aware of the reason that  
11 Ms. Butler is not here. She didn't -

12 MR. DAVIS: I can speak to that,  
13 Ms. Fletcher.

14 MR. MPRAS: This is only a roll  
15 call hearing for designated representatives to  
16 speak.

17 MS. ODUNSI: Well, I can speak to  
18 that in that case. She's out of town dealing  
19 with funeral arrangements for her father.

20 MS. FLETCHER: Okay, thank you.

21 MS. ODUNSI: So, she's not back  
22 yet.

1 MS. FLETCHER: Thank you. And I  
2 would have allowed you to speak, but it's  
3 okay. It didn't matter.

4 (Laughter)

5 MS. FLETCHER: It's okay. It's  
6 not important. The important thing is I  
7 wanted to make the point that she didn't say  
8 why she wasn't here, because I'm sure that  
9 would come up as a factor later.

10 Okay, so we have two groups of  
11 protestants in this case, ANC 5C and a group  
12 of, a group of 50. Because at least five  
13 individuals were present from their group  
14 today, at the status hearing - we're going to  
15 set a date for a status hearing.

16 At the status hearing, it's only  
17 necessary that the designated representative  
18 come. So, I imagine at that point it will be  
19 Ms. Butler. We'll set a date for mediation.  
20 I assume that'll be Ms. Butler. For the  
21 purpose of mediation, that's up to you.

22 For the purpose of the status

1 hearing, Ms. Butler needs to be present unless  
2 there are extenuating circumstances, and she  
3 can make a request to designate someone else.

4 The - I'll go ahead and give you  
5 the dates for the status and protest hearings,  
6 and then I'll give you the date for mediation  
7 after that. The status hearing is set for May  
8 the 1st. That's May the 1st at 9:30 a.m.

9 For the status - the protest  
10 hearing is set for May the 14th at 1:30, May  
11 the 14th at 1:30 for the status - for the  
12 protest hearing. We need to set a date for  
13 mediation to occur prior to May the 1st. The  
14 first available date for mediation in April is  
15 Thursday, April 10th, Thursday, April 10th.

16 MR. MPRAS: That's fine for us,  
17 Ms. Fletcher.

18 MS. FLETCHER: Is that good for  
19 you?

20 MR. MPRAS: Sure. Can we know the  
21 available times, please?

22 MS. FLETCHER: Yeah, 9:00, 10:00,

1 11:00 or 1:00.

2 MR. MPRAS: 11:00 would work well,  
3 please. Thank you.

4 MS. FLETCHER: Ms. Odunsi, I know  
5 you have to pass that along to Ms. Butler.

6 MS. ODUNSI: Yeah, I do. We're  
7 just -

8 MS. FLETCHER: That's 11:00  
9 Thursday, April 10th at 11:00. That's for the  
10 mediation.

11 MR. GUINN: So, what happens at  
12 those hearings, the mediation and -

13 MS. FLETCHER: You'll need to step  
14 forward, state your name again, and -

15 MR. GUINN: Yes, my name Mal  
16 Guinn. I just wanted to know what happens in  
17 those -

18 MS. FLETCHER: In the mediation?

19 MR. GUINN: - hearings, the status  
20 and the mediation.

21 MS. FLETCHER: Oh, yeah, sure.  
22 The purpose of the mediation is to try and

1 resolve whatever your concerns are. You filed  
2 the - the community filed a protest against  
3 the application for Pulse Nightclub for a list  
4 of reasons.

5 You appear for mediation in an  
6 attempt to resolve your protest issues, and to  
7 enter into an agreement to address your  
8 concerns, an agreement to the mutual  
9 satisfaction of all parties.

10 So, when you come together for  
11 mediation, you can resolve your concerns in a  
12 way that are acceptable to you. Once all the  
13 parties sign it, the Board reviews it. If the  
14 Board approves it, then the liquor license is  
15 issued.

16 Mediation is mandatory, but you  
17 don't have to agree to anything in mediation,  
18 but you have to go through mediation in an  
19 attempt to resolve the protest issues. If we  
20 can't do that during mediation, the purpose of  
21 the status hearing is only to inform the Board  
22 about what happened at mediation.

1                   Mediation is confidential. The  
2                   Board will only want to know if you resolved  
3                   the matter in mediation in way of a settlement  
4                   agreement, or not.

5                   If you did not, the Board will  
6                   restate your protest hearing, which is May 14,  
7                   and then you'll prepare for the protest  
8                   hearing where you get to put on your  
9                   witnesses, and to demonstrate to the Board the  
10                  reason that the Applicant should not be issued  
11                  a license for a nightclub.

12                  MR. GUINN: Thank you.

13                  MS. FLETCHER: You're welcome.  
14                  And just so you know as well, if the matter  
15                  goes forward for a protest hearing, it'll - it  
16                  could take up to 90 days. The Board then has  
17                  90 days from the date of the protest hearing  
18                  to issue a decision.

19                  MR. MPRAS: It's actually 60 now.

20                  MS. FLETCHER: Oh, they changed it  
21                  to 60? That's right, they did. It's 60 now.  
22                  Thank you.

1 (Laughter)

2 MS. FLETCHER: Any other questions  
3 about what happens next? Okay, the mediation  
4 will take place most likely here in this room.  
5 Just check in with the receptionist when you  
6 come.

7 Okay, so, let me ask you one other  
8 thing Ms. Odunsi, I'm going to check to see if  
9 we have an email address for Karla Butler. Do  
10 you?

11 MS. ODUNSI: I do.

12 MS. FLETCHER: Could you put that  
13 with your name?

14 MS. ODUNSI: Sure.

15 MS. FLETCHER: Under your name.

16 MR. MPRAS: Ms. Fletcher, will you  
17 email me those documents, please?

18 MS. FLETCHER: Yes.

19 MR. MPRAS: Thank you.

20 MS. FLETCHER: Any other  
21 questions? Okay, the roll call hearing is  
22 concluded.



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MR. MPRAS: Thank you.

MS. ODUNSI: Thank you.

MS. FLETCHER: Thank you.

(Whereupon, the Roll Call Hearing  
was concluded at 11:26 a.m.)

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